

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 6900 of 1997

Between:

M/s. Alpha Hotel, Station Road, Secunderabad,

Rep. by its Managing Partner Gulam Hussain, s/o. Akbar

..... PETITIONER

AND

1)The Chief Engineer, Electricity, Metropolitan Zone,
A.P.S.E. Board, Mint Compound, Hyderabad.

2)The Superintending Engineer, Operation Circle,
A.P.S.E.Board, Mint Compound, Hyderabad.

3)The Assistant Engineer, DPE I, A.P.S.E. Board,
James Street, Secunderabad.

4)The Assistant Accounts Officer, ERO VI,
A.P.S.E. Board, James street, Secunderabad

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or writs, order or direction,

declaring and setting aside the order dated 25.2.1997 passed by the first respondent confirming the order dated 15.11.1996 passed in Proc. No. SEOCH/T-DPE/BB/162/95-96/K-618/ D.No.516/96 on the file of the second respondent as illegal, arbitrary, without jurisdiction and contrary to the provisions of the A.P.S.E.B. terms and conditions of Supply Act.

Counsel for the Petitioner: MR.K.RAGHUVeer REDDY

Counsel for the Respondents : SMT.M.VINOBHA DEVI, standing counsel for the respondents.

The Court made the following :

ORDER :

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Heard the learned counsel for the petitioner and Smt. M.Vinobha Devi, learned standing counsel appearing on behalf of the respondents.

The petitioner, which is a hotel, seeks to assail impugned proceedings dated 25.02.1997 of the first respondent as confirmed by the second respondent as per order dated 15.11.1996 in regard to assessment made towards consumption of electrical energy. It is now alleged that in the inspection conducted on 28.11.1995, it was found that the meter was not working and found to be defective, and alleging that there was a misuse of energy, the assessment was made.

Though several contentions have been sought to be alleged, however, it is now pointed out that the petitioner has already paid a sum of Rs.25,000/- out of the total demanded amount of Rs.67,014/-. Having regard to the long lapse of time especially from the date of inspection and also the nature of the allegations as made, it can not be said that the assessment as made is on right side.

In view of the same, the Writ Petition is partly allowed confirming the

findings arrived at against the petitioner, however, reducing the amount of assessment to the amount which has already been paid by the petitioner. No costs.

09.12.2004 -----

DRK (B.Prakash Rao, J.)

Copy to:

1)The Chief Engineer, Electricity, Metropolitan Zone,
A.P.S.E. Board, Mint Compound, Hyderabad.

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5)Two CD copies.